

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LYDIA M. COOPER,

Plaintiff,

CIVIL ACTION NO. 12-12689

v.

DISTRICT JUDGE DAVID M. LAWSON

MAGISTRATE JUDGE MARK A. RANDON

NEW MEXICO PUBLIC REGULATORY  
COMMISSION,

Defendant.

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**REPORT AND RECOMMENDATION TO DISMISS**  
**PLAINTIFF'S CASE WITHOUT PREJUDICE**

On June 20, 2012, Plaintiff filed a Complaint against the New Mexico Public Regulatory Commission ("Defendant") (Dkt. No. 1). The United States Marshals Service mailed the Complaint to Defendant on June 28, 2012. Defendant was served on July 6, 2012 (Dkt. No. 8). A review of the record reveals that Defendant has not filed an answer.

On April 26, 2013, the Court gave Plaintiff until May 6, 2013 to explain why her case should not be dismissed without prejudice for lack of prosecution. Plaintiff did not respond.

Accordingly, this Magistrate Judge **RECOMMENDS** that Plaintiff's case be **DISMISSED WITHOUT PREJUDICE**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140

(1985); *Howard v. Secretary of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon  
 MARK A. RANDON  
 UNITED STATES MAGISTRATE JUDGE

Dated: May 7, 2013

**Certificate of Service**

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, May 7, 2013, by electronic and/or first class U.S. mail.*

s/Felicia Moses Acting for Eddrey Butts  
 Case Manager to Magistrate Judge Mark A. Randon